

HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.18487 of 2006

Date: September 11, 2007

Between:

Abdul Subhan. ... Petitioner

And

1. APSRTC, rep. By its Managing Director,

Musheerabad, Hyderabad and 2 others. ... Respondents.

* * *

ORDER:

This writ petition is filed seeking a writ of *Mandamus* declaring action of the respondents in giving benefit of 12 years special grade increment only with effect from 06-02-2005 instead of with effect from 01-8-2000, as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to implement 12 years special grade increment with effect from 01-8-2000 along with all consequential benefits.

2. It appears that the petitioner joined the service of the respondents' corporation as a conductor with effect from 01-01-1987 and his services were regularized in the said cadre with effect from 18-01-1988. In view of the policy of the corporation, since

there was no promotion even after completing more than 12 years of service, a scheme was evolved under Circular No.PD-65/1989, dated 03-5-1989. As per the said scheme though stagnation increments were granted on completion of 12 years of service as on 01-8-2000, the same was given effect, with effect from 06-02-2005 on the ground that the petitioner was undergoing punishment of stoppage of increment. According to the learned counsel for the petitioner, even if it is assumed that the petitioner is entitled for monetary benefits from the next day of completion of punishment, the stagnation increments must be notionally computed from 01-8-2000.

3. The respondents filed a detailed counter. Learned counsel for the respondents Sri C.Prakash Reddy, brought to the notice of the court clause 10 of the Circular No.PD-65/1989, dated 03-5-1989 which reads as hereunder.

“In case of employees undergoing punishment of deferment of increment or reduction in pay on 30 April of that particular year, their pay will be fixed in the Special Grade based on the pay that he would have drawn had there been no punishment. The monetary benefit accruing thereof shall be allowed from the next date on completion of the punishment.”

The learned counsel submitted that in view of the above clause though the petitioner was entitled for stagnation increment with effect from 01-8-2000, it was given effect to from 06-02-2005 in view of the fact that by 05-02-2005 the punishment, which was imposed on the writ petitioner, came to an end.

4. The petitioner is seeking benefits under the Circular No.PD-65/1989, dated 03-5-1989, issued by the Vice-Chairman and Managing Director, APSRTC, i.e., Special Grade increment on completion of 12 years of service. But, clause 10, as noticed above would indicate that wherever the employees are undergoing punishment of deferment of increment or reduction in pay on 30th April of that particular year, their pay will be fixed in the Special Grade

based on the pay that he would have drawn had there been no punishment and the monetary benefits accruing thereof shall be allowed from the next date of completion of the punishment. Therefore, the contention of the learned counsel for the petitioner that it must be deemed that the Special Grade has come into force with effect from 01-8-2000 and therefore he should be given the same notionally from 01-8-2000 and effectively from 06-02-2005 seems to be not correct. In a case of granting Special Grade increments, the question of earning any increments immediately thereafter does not arise. The Special Grade increment will be given effect to from the date of its implementation. Simply because it was given from 01-8-2000 and given effect to from 06-02-2005, the petitioner is not entitled for any notional increments for the period in between. Therefore, I am of the opinion that the respondents have rightly effected special grade increments only with effect from 06.02.2005 and not from 01-8-2000 since the petitioner was undergoing punishment of stoppage of increments.

5. Therefore, the writ petition is devoid of merits and liable to be dismissed and accordingly dismissed. No costs.

(C.V.RAMULU, J.)

Date: September 11, 2007.

BSB